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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/771,897 | 02/04/2004 | Narasimhan Gautam | 15060-60 | 3893 |

7590 09/11/2006

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EXAMINER

ROOKE, AGNES BEATA

ART UNIT PAPER NUMBER

1653

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/771,897 | Applicant(s) GAUTAM ET AL. | |
| | Examiner Agnes B. Rooke | Art Unit 1653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 7-34, 37 and 39-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 35, 36 and 38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>none</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This office action is in response to the paper filed on 07/14/2006.

In the response to the restriction requirement, Applicants elected with traverse Group 1, claims 1-6, 35-36 and 38, drawn to a biosensor.

The traversal is on the ground that the elected Group I and the other twelve groups are related, and that the search and examination of any claims in any groups the would overlap and thus would not be a serious burden.

Examiner disagrees and states that each group relates to a distinct invention and thus must be examined separately. Even though the area of search will be similar to all the groups, however particular limitations in each group will require a separate search and thus would present a great burden to the examiner. Therefore, the restriction requirement is proper and it is made FINAL.

A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP paragraph 821.01.

Claims 1-45 are pending. Claims 1-6, 35-36 and 38 are under examination.

This application claims priority to 60/445,113 filed on 02/05/2003 and claims benefit of 6/493,952 filed on 08/08/2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1653

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6, 35, 36, and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by Devreotes et al. (U.S. 2002/0048811 A1).

Devereotes et al. teach receptor mediates activation of heterotrimeric G-proteins that is visualized in living cells by monitoring fluorescence resonance energy transfer (FRET) between subunits of G-protein fused to cyan and yellow fluorescent proteins. See Abstract.

In Example 1, page 4 in [0044-0045], Devreotes et al. teach fusion of yellow fluorescent proteins to the amino end of G protein subunit β ; also they teach fusing fluorescent proteins into G protein, such as $G\alpha 2$; further, FRET was used to observe the state of the G-protein heterotrimer in living cells. (See instant claims 1-6 and 38).

Example 5, [0052] teaches screening for antagonists and agonists. In Figure 4C, the activation of the G-protein cycle is shown where agonist-induced phosphorylation of the receptors reaches a plateau with a few minutes; and where immunoblots of selected time points showed the expected steady-state level of receptor phosphorylation. (See instant claims 35-36).

Prior art of interest:

Kostenis et al. (U.S. 2002/0182655) teach method for identifying ligands for G protein-coupled receptors.

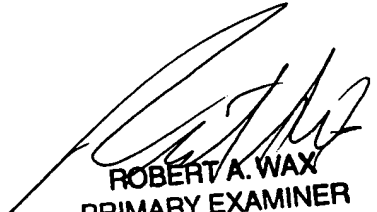
Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes Rooke whose telephone number is 571-272-2055. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

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ROBERT A. WAX
PRIMARY EXAMINER